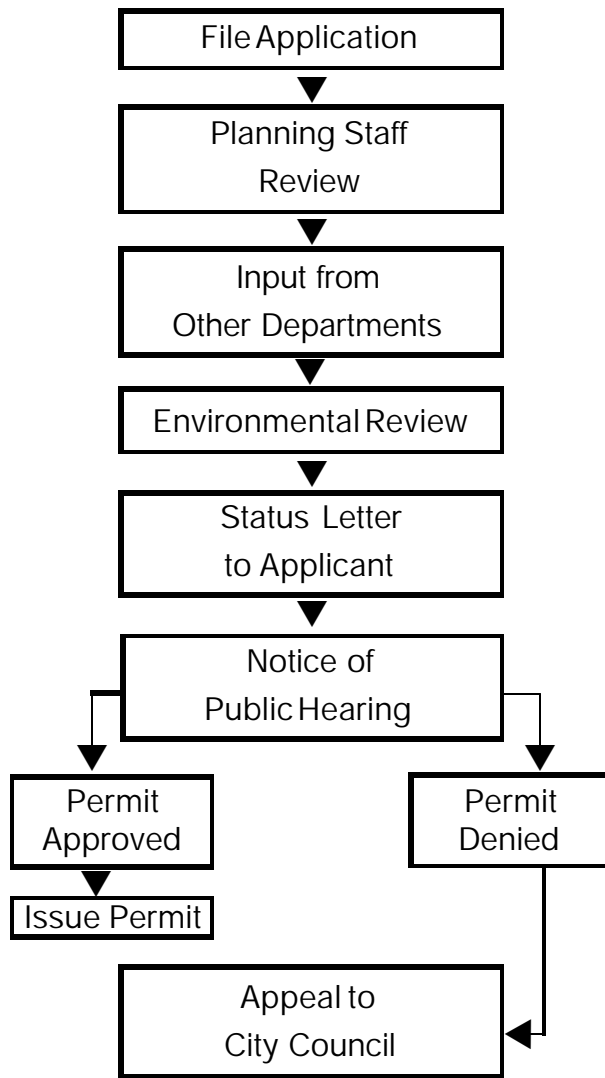


WHAT IS THE PROCESS?



Para mas informacion,
por favor llame (408) 535-3555

For more information
call (408) 535-3555



City of San Jose
Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Conditional Use Permit Process



City of San Jose
Planning, Building and Code Enforcement
www.sanjoseca.gov/planning

WHAT IS A CONDITIONAL USE PERMIT?

There are certain uses of land, or types of business, that have an impact on their community. The City Council strictly controls such uses through the Conditional Use Permit process. Conditional Use Permits are approved by the Planning Commission and may be appealed to the City Council.

Conditional uses are only allowed with the approval of a Conditional Use Permit. Examples of such uses are listed below.

- **Churches**
- **Drinking Establishments**
- **Drive-up Businesses**
- **Emergency Shelters**
- **Entertainment Establishments**
- **Operations past midnight**
- **Residential Service or Care Facilities**
- **Utilities**
- **Wrecking Yards**

DO I NEED ONE?

All of the items above require a Conditional Use Permit. There are other instances when one is required, as well. For additional uses for which a Conditional Use Permit would be required, please check the City's Zoning under specific zoning districts. Or contact the Planning Divisions of the Department of Planning, Building and Code Enforcement (PBCE) to find out if your project requires such a permit.

WHO APPROVES CONDITIONAL USE PERMITS?

The Planning Divisions staff makes a recommendation which it forwards to the Planning Commission. The Planning Commission makes the decision and can approve, conditionally approve, or deny the permit. The Planning Commission usually meets every other Wednesday. The Commission listens to the concerns of the applicant and neighboring citizens, discusses the issues, and votes on the proposal.

The Planning Commission's decision may be appealed directly to the City Council. It presides over another public hearing, at which more public input is provided. The decision of the City Council is final.

WHAT FACTORS IS THEIR DECISION BASED ON?

There are numerous factors which are considered by themselves, and as a whole. The proposed use must meet the zoning and General Plan requirements for the site. It must maintain the health and safety of the community, and should be compatible with the existing uses in the area. The site must also be able to accommodate the proposed facility. Other items considered are listed below.

- **Parking**
- **Building size**
- **Building placement**
- **Access to streets and utilities**
- **Hours of operation**
- **Noise level**
- **Landscaping**
- **Traffic generation**
- **Expiration date of the permit**

WHAT IS ENVIRONMENTAL REVIEW?

Besides addressing the factors previously listed, State law requires analysis of each project's potential environmental effects. This is accomplished through the environmental review process. A separate application for environmental review, is therefore, required. For more information on this process, please contact our environmental staff at (408) 535-3555.

WHAT DO I NEED TO FILE?

The items to be included are described in detail on the application form. They are summarized below.

Completed Application
Property owner's signature
Environmental review application
Filing fees
Names of property owners within 300 feet
Addressed envelopes of those property owners
Legal description of the property
County Assessor's map
Development plans consisting of: Site, Elevation, Landscaping and Floor Plans

HOW LONG DOES IT TAKE?

In most cases, the process takes about three to six months. You can help expedite the review process by making sure your application is correctly filled out and your proposal is clearly stated. The Planning Divisions will be happy to answer your questions regarding any application requirement.